REMARKS/ARGUMENTS

Claims 1-25 are pending in this Application.

Claims 1-3, 6, 8, 10-13, 15, 17-23, and 25 are currently amended. Claims 7, 16, 24 have been canceled. Applicants submit that support for the claim amendments can be found throughout the specification and the drawings.

Claims 1-6, 8-15, 17-23, and 25 remain pending in the Application after entry of this Amendment. No new matter has been entered.

In the Office Action, claims 18-25 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1, 5-8, 10, 14-18, and 22-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,136,873 to Smith et al. (hereinafter "Smith"), in view of U.S. Patent No. 5,978,475 to Schneier et al. (hereinafter "Schneier"), in further view of U.S. Patent No. 6,584,459 to Chang et al. (hereinafter "Chang"). Claims 2-4, 11-13, and 19-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith, in view of Schneier, in view of Chang, and further in view of U.S. Patent No. 7,185,192 to Kahn (hereinafter "Kahn").

Claim Rejections Under 35 U.S.C. § 101

Applicants respectfully traverse the rejections to claims 18-25. Applicants further respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 101 in light of the amendments to claims 18-25.

Claim Rejections Under 35 U.S. C. § 103(a)

Applicants respectfully traverse the rejections to claims 1-25 and request reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) based on Smith, in view of Schneier, in view of Chang, and/or further in view of Kahn. The Office Action alleges that the combination of references teach or disclose all of the claimed limitations of the corresponding claims and that one having ordinary skill in that art at the time of the invention would have been motivated to incorporate the teachings of Smith with the teachings of Schneier, Chang, and/or Kahn.

Applicants, however, respectfully submit that a prima facie case of obviousness has not been established by the evidence presented in the Office Action. In order to establish a prima facie showing of obviousness, three requirements must be satisfied: all limitations of a pending claim must be expressly or implicitly disclosed by prior art references; there must be a suggestion or motivation in the art for the ordinarily skilled artisan to combine the limitations; and there must be a reasonable expectation of success in making such a combination. (M.P.E.P. § 2143).

Applicants respectfully submit that Smith, Schneier, Chang, and Kahn, either individually or in combination, fail to teach or suggest at least one of the claim limitations recited in each of claims 1-25.

Claim 1

Applicants respectfully submit that Smith, Schneier, Chang, and Kahn, either individually or in combination, fail to teach or suggest at least one of the claim limitations recited in claim 1.

For example, claim 1 recites the feature of "prior to executing the query, modifying the query in accordance with the security protocol to create a modified query." The Office Action alleges that Smith discloses modifying a query in accordance with a security protocol as recited in claim 1. However, Applicants respectfully disagree. Claim 1 recites that the security protocol that protects the electronic records against unauthorized access is based on one or more security rules. These one or more security rules recited in claim 1 are generated in response to input identifying one or more elements in unstructured data as elements of the one or more security rules. The Office Action acknowledges this fact on page 7, and states that neither Smith nor Chang disclose that one or more elements in the unstructured data is used to create a plurality of security rules.

The Office Action appears to rely on Kahn's disclosure of rule sets as disclosing the security rules recited in claim 1. However, Applicants respectfully submit that the rule sets in Kahn are substantially different from the security rules recited in claim 1.

In Col. 22, lines 11-38, Kahn discloses that a user can create a rule set by writing various filter operations and rule operations "using a selection of relation functions and/or group definitions." Kahn discloses that the relation functions are "essentially functions." (Kahn: Col. 22, line18). Thus, the relation functions that are <u>functions</u> used to create the rule set in Kahn are substantially different from the input identifying <u>one or more elements in unstructured data</u> as elements of the one or more security rules recited in claim 1.

Furthermore, Kahn discloses that the group definitions are "objects that define or reference one or more other objects according to some relationship." (Kahn: Col. 22, lines 25-27). However, the objects that reference other objects according to some relationship in Kahn are substantially different from the actual <u>one or more elements in unstructured data</u> identified as elements of the one or more security rules recited in claim 1.

Thus, Kahn fails to disclose the feature recited in claim 1 of "generating one or more security rules in response to input identifying one or more elements in the unstructured data as elements of the one or more security rules." Accordingly, Kahn fails to cure the stated deficiencies that Smith and Chang also fail to teach or suggest generating security rules based on one or more elements in unstructured data as recited in claim 1. Thus, Applicants respectfully submit that Smith, Schneier, Chang, and Kahn, either individually or in combination, fail to teach or suggest each and every claim limitation recited in claim 1.

Claims 2-6, 8-15, 17-23, and 25

Applicants respectfully submit that independent claims 10 and 18 are allowable for at least a similar rationale as discussed above for the allowability of claim 1, and others. Applicants respectfully submit that dependent claims 2-6 and 8-9, 11-15 and 17, and 19-23 and 25 that depend directly and/or indirectly from the independent claims 1, 10, and 18 respectively, are also allowable for at least a similar rationale as discussed above for the allowability of the independent claims. Applicants further respectfully submit that the dependent claims recite additional features that make the dependent claims allowable for additional reasons.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,

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